IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 2622 OF 2006

SHRI SURESH KALYANJI BHAGAT .. PETITIONERS

Versus

STATE OF MAHARASHTRA & ORS. .. RESPONDENTS

Mr. Nitin Pradhan with Munir Merchant for petitioners

Mr. S. R. Borulkar, PP

CORAM:-SMT. RANJANA DESAI &
D. B. BHOSALE, JJ.

DATED:-10/4/2007

P.C.

. In this petition, the petitioner has prayed that investigation be transferred to CBI; that officers of respondents 3 and 4 be restrained from arresting the petitioner and that necessary orders for taking action against Jaya Bhagat and Suhas Roge be passed.

2. So far as the prayer regarding arrest is concerned, the petitioner is already arrested and hence the said prayer does not survive. The prayer

regarding transferring the investigation to C.B.I. is concerned, in our opinion since the charge-sheet is filed on 6/2/07, the investigation cannot be transferred. Besides having perused the investigation papers which were handed over to us, we feel that no case is made out for transfer of the investigation to C.B.I.

3. So far as the action against Jaya Bhagat and Suhas Roge is concerned, it is the case of the petitioner that he is falsely implicated at the instance of these persons. If that is so, the petitioner will be at liberty to press this grievance before the trial court at appropriate stage. Needless to say that trial court will deal with it in accordance with law.

4. Petition is disposed of.

JUDGE.

JUDGE.